



MARICOPA COUNTY JUSTICE COURT

If you want to file a...

MOTION FOR CHANGE OF VENUE – IMPROPER VENUE

Small Claims & Civil



MARICOPA COUNTY JUSTICE COURT

Venue (def.)—the proper geographical locality in which a lawsuit may be filed. To determine venue in a case, one can file their lawsuit:

1. In the Justice precinct where the defendant resides or does business **OR**
2. In the justice precinct where the incident occurred that brought about the debt or where the debt or obligation was incurred.

A motion for change of venue for improper venue must be filed **PRIOR** to filing an answer in the case, or venue is waived. A motion for Change of Venue is filed to allege that the lawsuit has been filed in the wrong precinct. However, venue may be proper in more than one justice precinct. If the court grants an Order for a Change of Venue the case will be transferred to the proper justice precinct.

You must pay the answer fee for a small claims or a civil case (depending on which type of case you have) when you file a motion for change of venue for improper venue.

If the other party in the case opposes this motion, they may file an objection in writing within 5 days after service of the motion.

Please STOP...



If your case qualifies under either of the two points of venue mentioned in paragraph one. If you wish to file a motion for Change of Venue for Cause, please see those instructions and forms.

Please PROCEED...



If the case was clearly filed in the incorrect precinct or if the case does not follow the correct venue requirements.



MARICOPA COUNTY JUSTICE COURT

FORMS Needed:

| | |
|---|--|
| ✓ | Motion and Affidavit for Change of Venue for Improper Venue |
| ✓ | Plaintiff's Controverting Certificate re; Affidavit for Change of Venue for Improper Venue |

INSTRUCTIONS:

- 1) Complete the form and then make copies. The court will require the original form. You may wish to have a copy and you will need a copy for each party.
- 2) File (or mail) the original form with the court clerk and pay the applicable answer fee.
- 3) Mail a copy to the other party (and to their attorney, if applicable).

IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS A NOTICE OF CHANGE OF ADDRESS form must be filed with the court when a party changes their address.

Visit us at www.superiorcourt.maricopa.gov/justicecourts for additional filing information and online forms.



Maricopa County Justice Courts, Arizona

COURT NAME / ADDRESS _____

CASE NUMBER: _____

Plaintiff(s)
Name / Address

Defendant(s)
Name / Address

ATTORNEY for Plaintiff
Address

Name /

ATTORNEY for Defendant
Name / Address

MOTION and AFFIDAVIT FOR CHANGE OF VENUE FOR IMPROPER VENUE

I am the defendant in this action. I move for a change of venue.
This motion is timely and is made before the expiration of the time allowed to answer herein. An affidavit is made a part of this motion. I make this affidavit pursuant to ARS 12-404A.

The venue in this action is improper because:

☐ I reside at _____, in the _____ precinct.

☐ The debt or obligation which gives rise to this action occurred at _____
in the _____ precinct.

☐ The incident occurred at _____, in the _____ precinct.

☐ Other (state reason, pursuant to ARS 12-404A) _____

I state under penalty of perjury that the foregoing is true and correct.

Date: _____

Defendant

I CERTIFY that I mailed / delivered a copy of this MOTION and AFFIDAVIT to:

☐ Plaintiff at the above address or ☐ Plaintiff's attorney ☐ Defendant at the above address or ☐ Defendant's attorney

Date: _____ By: _____
Defendant

TO PLAINTIFF: *You have five days after service of this motion to controvert the defendant's affidavit if you wish to do so. If no response is given, the Court will order the action transferred to the proper precinct and assess the associated costs of transfer against you, pursuant to A.R.S. 12-407E.*



Maricopa County Justice Courts, Arizona

COURT NAME / ADDRESS _____

CASE NUMBER: _____

Plaintiff(s)
Name / Address

Defendant(s)
Name / Address

ATTORNEY for Plaintiff
Address

Name /

ATTORNEY for Defendant
Name / Address

PLAINTIFF'S CONTROVERTING CERTIFICATE RE: AFFIDAVIT FOR CHANGE OF VENUE FOR IMPROPER VENUE

I am the plaintiff in this action. I oppose defendant's affidavit for a change of venue.

1. I make this affidavit pursuant to ARS 12-404B.
2. The venue in this action is proper because:

☐ Defendant lives in this precinct at: _____

☐ The debt/obligation which gives rise to this action occurred in this precinct at: _____

☐ The incident occurred in this precinct at: _____

☐ Other (*state reason, pursuant to ARS 12-404A*) _____

I state under penalty of perjury that the foregoing is true and correct.

Date: _____

Plaintiff

I CERTIFY that I mailed / delivered a copy of this CONTROVERTING CERTIFICATE to:

☐ Plaintiff at the above address or ☐ Plaintiff's attorney

☐ Defendant at the above address or ☐ Defendant's attorney

Date: _____

By: _____
Clerk